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OFFICE OF PETITIONS

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)
Applicant(s): RAJARAM, Gowri)
Serial No.: 09/970,188)
Filed: October 3, 2001)
Attorney Docket No.: UTL 00143)

FOR: System and method for field
diagnosis of wireless communications
device system software

Group Art Unit: 2133

Examiner: unknown

**PETITION FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED
CLAIM FOR BENEFIT UNDER 37 CFR 1.78 (a)(3)**

MS Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Attention:
Office of Petitions

Dear Sir:

This petition accompanies a preliminary amendment and payment of a surcharge under 37 CFR 1.17(t) for acceptance of an unintentionally delayed claim of benefit in the amount of \$1330.00.

Applicant requests a claim for benefit to three applications all filed on the same date as follows: Application Serial No. **09/917,026** (the '026 application), filed on July 26, 2001; Application Serial No. **09/916,460** (the '460 application), filed on July 26, 2001; and Application Serial No. **09/926,900** (the '900 application), filed on July 26, 2001. Applicant request that the subject application be designated as a continuation in part application of the '026, the '460, and the '900 applications. In addition, the subject application is related to a family of applications as indicated by the "related references" included in the accompanying preliminary amendment.

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The entire delay between the date the claim was due under 37 CFR 1.78(a)(2) and the date this claim is filed was unintentional. The subject application repeats a substantial portion of the '026, the '460, and the '900 applications as evidence, for example, by the similarity of the Figures.

The subject application complies with the following formal requirements of 35 U.S.C.120 (see MPEP 201.08):

(A) The '026, the '460, and the '900 applications and the subject continuation in part application were filed with at least one common inventor, Gowri Rajaram.

(B) The subject continuation in part application was filed before the patenting or abandonment of or termination of proceeding on the '026, the '460, and the '900 applications; and

(C) The subject continuation in part application contains or is amended to contain a specific reference to the earlier filed applications.

Please contact the undersigned attorney for Applicant should there be any questions or comments regarding this petition.

Respectfully submitted,

Dated: 1/28/2004

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<u>CERTIFICATE OF MAILING</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
Date of Deposit:	<u>1/28/2004</u>
<u>Kathleen L. Connell</u>	
Name of Person Mailing Paper and/or Fee	
Signature	<u>Kathleen Connell</u>